

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Eduard Daniel Leendert Schmidt	Examiner:	Baum, Stuart F.
Serial No.:	10/521,518	Group Art Unit:	1638
Confirmation No.:	2030	Docket:	294-208 PCT/US
Filed:	February 28, 2006	Dated:	April 7, 2008
For:	MODULATING DEVELOPMENTAL PATHWAYS IN PLANTS		

Commissioner for Patents
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Anna C. Chau
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In an office action mailed March 5, 2008, the examiner imposed a requirement under 35 U.S.C. § 121 and 372. The examiner states that applicant is required to elect a single invention to which the claims must be restricted. The examiner lists Group I, claim(s) 1-18, drawn to a method for modulating a developmental pathway of a plant comprising modifying a gene or modifying expression of a gene, and a plant or plant cell obtained by said method. No other groups were listed in the office action.

In response, applicants elect Group I, claim(s) 1-18, drawn to a method for modulating a developmental pathway of a plant comprising modifying a gene or modifying expression of a gene, and a plant or plant cell obtained by said method.

Next, the examiner states that "For the election to be complete, Applicants are to elect one gene from the list of genes recited in any one of claims 1, 5, 7, 9, 11, 13 and 14."

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It is unclear from the office action whether the examiner is restricting the invention or requiring an election of species. In the event the examiner intended that applicants elect one gene from the list of genes recited in any one of "claims 1, 5, 7, 9, 11, 13 and 14," as expressly stated in the office action, applicants elect the gene recited in claim 1, namely, the gene that encodes "a protein belonging to a signaling complex comprising RKS protein."

In the event the examiner is requiring a restriction of the genes recited in any one of claims "5, 7, 9, 11, 13 and 14," i.e., not including claim 1, then applicants elect the RKS4 gene.

Applicant's representative intends to contact the examiner in order to discuss the office action. Amended claims will be filed base don the examiner's explanation of the office action.

The present response is being filed within one month from the mailing date of the office action. Accordingly, applicants do not believe a fee is due. If, however, any additional fees are due or any overpayment has been made in connection with this paper, please charge or credit our Deposit Account No. 08-2461 for such sum.

Respectfully submitted,

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